

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

- v. -

: STIPULATION & ORDER

: 18 Cr. 714 (PKC)

NADEM J SAYEGH, :

Defendant. :

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WHEREAS, on or about October 3, 2018, NADEM J. SAYEGH (the "defendant") was charged in a five-count Indictment, 18 Cr. 714 (PKC) (the "Indictment"), with conspiracy to distribute narcotics, in violation of Title 21, United States Code, Section 846 (Count One), distribution and possession with intent to distribute a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(c), Title 18, United States Code, Section 2 (Count Two), health care fraud, in violation of Title 18, United States Code, Sections 1347 and 2 (Count Three), aggravated identity theft, in violation of Title 18, United States Code, Sections 1028A and 2 (Count Four), and false statements, in violation of Title 18, United States Code, Sections 1001 (Count Five).

WHEREAS, the Indictment contained a forfeiture allegation with respect to Counts One and Two of the Indictment, pursuant to Title 21, United States Code, Section 853, which sought forfeiture of any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the offenses and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the offenses alleged on Counts One and Two of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses that

the defendant personally obtained as a result of the offense charged in Counts One and Two of the Indictment.

WHEREAS, the Indictment contained a second forfeiture allegation, pursuant to Title 18, United States Code, Section 982(a)(7) which sought forfeiture of any and all property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense that the defendant personally obtained as a result of the offense charged in Count Three of the Indictment.

WHEREAS, pursuant to a search warrant, the Government seized \$150,400 in United States currency seized from safe deposit box #54 at Suma Federal ("Seized Property");

WHEREAS, on or about July 21, 2016, the Defendant pled guilty to Counts One and Three of the Indictment;

WHEREAS, on or about November 26, 2019, the Court sentenced the Defendant, inter alia, to a fine in the amount of \$100,000 (the "Fine"); and

WHEREAS, the Government and the defendant have determined to resolve the return of the Seized Property to the Defendant on the terms and conditions set forth below.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT, by and between the United States, United States of America, by its attorney Geoffrey S. Berman, United States Attorney, Assistant United States Attorney, Nicolas Roos, of counsel, and Defendant by his counsel, Isabelle A. Kirshner, Esq., and Wayne Gosnell, Esq., that:

1. The United States Marshals Service (the "USMS") and/or its designee shall transfer \$50,400.00 of the Seized Funds to Defendant in a manner consistent with the UFMS Vendor Request Form to be completed by Defendant through his attorneys, Isabelle A. Kirshner, Esq., and Wayne Gosnell, Esq.

2. The Government shall remit the remaining \$100,000 of the Seized Currency to the United States District Court for the Southern District of New York to satisfy the Fine imposed on Defendant by this Court as part of his criminal sentence.

3. This Stipulation and Order constitutes the entire agreement between the parties on the matters contained herein, and no other statement, promise or agreement, either written or oral, made by either party or agents of either party, that is not contained in this written Stipulation and Order shall be enforceable. Any modifications to this Stipulation and Order shall be in a writing signed by the parties.

4. Defendant represents that he is the only owner of the Seized Property, and agree to hold harmless the DEA, the DOJ and the USAO-SDNY, as well as any and all employees, officers, and agents of the DEA, the DOJ and the USAO-SDNY, from any and all claims in connection with or arising out of the seizure, restraint, and/or constructive possession of the Seized Property including but not limited to any third-party claims of ownership of the Seized Property.

5. The parties hereby waive all rights to appeal or to otherwise challenge or contest the validity of this Stipulation and Order.

6. Each party agrees to bear its costs and attorneys' fees

7. The Court shall retain jurisdiction in this matter to take additional action and enter further orders as necessary to implement and enforce this Stipulation and Order.

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8. This Stipulation and Order may be executed in counterparts, each of which shall be deemed an original, and all of which, when taken together, shall be deemed the complete Stipulation and Order. Signature pages may be by fax or transmitted electronically, and such signatures shall be deemed to be valid originals.

STIPULATED TO:

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York
Attorney for the United States

By: 

NICOLAS ROOS
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
(212) 637-2421

1/27/20
DATE

NADEM J. SAYEGH

By: 

NADEM J. SAYEGH

1/14/20
DATE

By: 

ISABELLE A. KIRSHNER, ESQ.
WAYNE GOSNELL, ESQ.
Attorneys for the Defendant
Clayman & Rosenberg
305 Madison Avenue, Suite 1301
New York, New York 10165
(212) 922-1080

1/14/2020

DATE

SO ORDERED:


HONORABLE P. KEVIN CASTEL
UNITED STATES DISTRICT JUDGE

1-31-20
DATE